

FILED
02-19-2021
Clerk of Circuit Court
Winnebago County, WI
2021CV000106
Honorable John A.
Jorgensen
Branch 5

STATE OF WISCONSIN CIRCUIT COURT WINNEBAGO COUNTY

JESSE J. WILLEMSSEN

1472 Circle Drive
Menasha, WI 54952

Plaintiff,

Case No. _____

v.

Case Code No: 30107

Claim Under § 814.61(1)(a)

A claim for money judgment greater
than the amount under § 799.01(1)(d)

BIOMAT USA, INC.

2410 Lillyvale Avenue
Los Angeles, CA 90032

GRIFOLS SHARED SERVICES NORTH AMERICA, INC.

2410 Lillyvale Avenue
Los Angeles, CA 90032

ABC INSURANCE COMPANY

A fictitious insurance company
Appleton, WI

Defendants.

SUMMONS

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond to the Complaint with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes.

EXHIBIT A

The court may reject or disregard an answer that does not follow the requirements of the statutes.

The answer must be sent or delivered to the court, whose address is P.O. Box 2808, Oshkosh, WI 54903, and to **HABUSH HABUSH & ROTTIER S.C. ®**, plaintiff's attorneys whose mailing address is 4100 Boardwalk Court, Appleton, WI 54914. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Appleton, Wisconsin, this 19th day of February 2021.

HABUSH HABUSH & ROTTIER S.C. ®
Attorneys for Plaintiff

By: Electronically signed by Joseph M. Troy
Joseph M. Troy
State Bar #1005544

Mailing Address:

4100 Boardwalk Court
Appleton, WI 54914

Telephone: (920) 738-0900

OUTAGAMIE COUNTY, WISCONSIN

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COMPLAINT

Plaintiff, by his attorneys, HABUSH HABUSH & ROTTIER S.C.[®], as and for his
complaint against the defendants, allege and show to the Court as follows:

Definitions: For purposes of this Complaint the terms below have the following meaning:

“Defendants” refers collectively or individual to **BIOMAT USA, INC., (Biomat), of Grifols Shared Services North America, Inc. (Grifols)**, their employees, representatives, and/or servants.

“Accident” or “incident” refers to the **defendants** attempt to draw blood from the plaintiff on March 13, 2018 at their facility at 905 Midway Road, Menasha, Winnebago County, WI.

1. That plaintiff Jesse J. Willemsen is an adult resident of the State of Wisconsin residing at 1472 Circle Drive, Menasha, Winnebago County WI 54952.

2. Defendant, **BIOMAT USA, INC., ("BIOMAT")** is believed to be a foreign corporation incorporated in the State of Delaware with its principal place of business located at 2410 Lillyvale Avenue, Los Angeles, California 90032.

3. **Biomat** is registered to conduct business in the State of Wisconsin and at all times material to the accident conducted business at 905 Midway Road, Menasha, Winnebago County, WI.

4. It is believed that Biomat USA, Inc. is a wholly owned subsidiary of **Grifols Shared Services North America, Inc. (Grifols)** which is a Virginia corporation with its executive offices and principal place of business also located at the same location as **Biomat**, 2410 Lillyvale Avenue, Los Angeles, California 90032, and that at all times material to this action, Grifols did business through **Biomat** at 905 Midway Road, Menasha, Winnebago County, WI.

5. That defendant ABC Insurance Company is a fictitious insurance corporation or corporations; that on a date prior to 03/13/2018, defendant ABC Insurance Company, issued a policy of liability insurance under which it agreed to pay all sums which **defendants** should become obligated to pay, by reason of liability imposed upon it for loss or damages caused as a result of negligence, and that on 03/13/2018 said policy of insurance was in full force and effect and provides liability insurance coverage to the **defendants** for damages the plaintiff sustained in this accident.

6. On or about March 13, 2018, plaintiff, Jesse J. Willemsen, went to the **Biomat/Grifols** facility at 905 Midway Road, Menasha, Winnebago County, WI to donate plasma.

7. On or about March 13, 2018, an employee, representative, and/or servant, of **Biomat** and/or **Grifols** chose to try to draw blood from the plaintiff's right arm. She was negligent in one or more of the following ways: failed to conduct a proper inspection of the plaintiff's arms to identify the most accessible vessel for the blood draw, failed to properly set up and conduct blood draw procedures, failed to use proper technique and reasonable caution in inserting the needle into plaintiff's right arm. The plaintiff's arm spewed blood from the insertion, instead of establishing a proper blood flow. The improper insertion caused nerve damage to the plaintiff's arm which resulted in pain and disability which continues to the present.

COUNT I

8. Plaintiff re-adopts and re-alleges Paragraphs 1 through 7 as if fully set forth.

9. The Defendants' employee, agent, or representative's negligence in the **accident** on March 13, 2018 proximately caused nerve damage to the plaintiff's arm resulting in damages including medical expenses, lost income, pain suffering, and disability to-date and in the future.

COUNT II

10. Plaintiff re-adopts and re-alleges Paragraphs 1 through 9 as if fully set forth.

11. At all times relevant to this action, the defendants, **Biomat** and/or **Grifols** had the duty to its donors to investigate, appoint, hire, train, and supervise qualified employees and phlebotomists who are knowledgeable and capable to perform proper and safe venipuncture procedures in drawing blood. Upon information and belief, the Defendants negligently

investigated, hired, trained, and supervised the employees, agents or representatives involved in the **accident** before and at the time of the **accident**.

12. As a proximate result of the **defendants'** negligence, the plaintiff suffered personal injury in the **accident** on March 13, 2018 causing nerve damage to the plaintiff's arm resulting in damages including medical expenses, lost income, pain, suffering, and disability to-date and in the future.

WHEREFORE, plaintiff demands judgment be entered in his favor and against the defendants, Biomat and Grifols, including the fictitious party Defendants, in a sum to be determined by a jury, which will fairly and adequately compensate the Plaintiff for the injuries and damages he has suffered, together with costs according to law.

**PLEASE TAKE NOTICE THAT THE PLAINTIFF HEREBY
DEMANDS TRIAL BY A TWELVE PERSON JURY.**

Dated at Appleton, Wisconsin, this 19th day of February 2021.

HABUSH HABUSH & ROTTIER S.C. ®
Attorneys for Plaintiff

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State Bar #1005544

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